

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICHAEL REEVES,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 13-cv-01171-JPG-PMF
	)	
RICK HARRINGTON, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on Plaintiff Michael Reeves' Motions to proceed on Appeal *In Forma Pauperis* (Doc. 162). The Court notes that the Plaintiff filed a Motion (Doc. 161) to proceed in district court *in forma pauperis*. Plaintiff was granted *in forma pauperis* for the district court proceedings on November 20, 2013. As such, Plaintiff's Motion (Doc. 161) to proceed in district court *in forma pauperis* is moot.

A federal court may permit a party to proceed on appeal without full pre-payment of fees provided the party is indigent and the appeal is taken in good faith. 28 U.S.C. § 1915(a)(1) and (3); Fed. R. App. P. 24(a)(3)(A). A frivolous appeal cannot be made in good faith. *Lee v. Clinton*, 209 F.3d 1025, 1026-27 (7th Cir. 2000). The test for determining if an appeal is in good faith or not frivolous is whether any of the legal points are reasonably arguable on their merits. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (citing *Anders v. California*, 386 U.S. 738 (1967)); *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000).

The Court is satisfied that Petitioner is indigent. Furthermore, the Court does not believe that this action is frivolous or malicious. Therefore, the Court **GRANTS** the motion to proceed

on appeal *in forma pauperis* without prepayment of fees and costs (Doc. 162) and **DENIES** Plaintiff's Motion (Doc. 161) to proceed in district court *in forma pauperis* as moot.

**IT IS SO ORDERED.**

**DATED:** 10/13/2015

*s/J. Phil Gilbert*  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**